REMARKS

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks.

Initially, Applicant acknowledges the election of Group I, claims 1-7, for prosecution in the present application in response to the restriction requirement set previously set forth by the Office. Applicant expressly reserves the right to file divisional application(s) directed to the non-elected claims.

Claims 1-14 are now pending in the application, with Claims 1, 8, and 11-14, being independent. Claims 8 and 9 are withdrawn in view of the above-discussed restriction requirement. Claims 2 and 4 have been cancelled. Claims 1, 3, 5, and 6 have been amended herein. Claims 10-14 are new. Support for the amendments and new claims can be found throughout the originally-filed disclosure, including, for example, in the originally-filed claims, page 14, line 9 through page 15, line 12 of the specification, and at page 16, lines 2-7 of the specification. Accordingly, Applicant submits the amendments and new claims include no new matter.

Claims 1-7 are rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by Pepper et al. (U.S. Patent Application Pub. No. 2002/0068018). Claims 1-7 are also rejected under 35 U.S.C. § 102(b) as being anticipated by Nagel et al. (International Pub. No. WO 02/04928, which is in the same family as U.S. Patent Application Pub. No. 2004/0058339).

Applicant respectfully traverses the rejections. Nevertheless, without conceding the propriety of the rejections and solely to expedite prosecution, Applicant has amended

independent claim 1 to clarify the distinctions between the invention recited therein and the cited references. To this end, Applicant submits amended independent claim 1, as well as new independent claims 11-14 are patentably distinguishable from the cited references for at least the following reasons.

The Office Action cites Pepper et al. as disclosing a sensor comprising, inter alia, disposing means for disposing an object to be sensed at a plurality of positions. Specifically, the Office Action refers to the array of microcavities disclosed at paragraph 0076 of Pepper et al. as a disposing means.

Applicant submits, however, that neither the microcavities of Pepper et al., nor any other element of a sensor, anticipates or suggests the object disposing means recited in independent claims 1, 12, and 14, or the ejection means recited in independent claims 11 and 13. For example, Pepper et al. does not disclose or suggest any of the microcavities described in conjunction with Figures 2, 4, and 7-10 of the reference to be "periodically disposed at intervals of an order of a wavelength of the electromagnetic wave" to be used to sense the object, as recited independent claim 1. Nor does Pepper et al. disclose or suggest an object disposing means comprising "a protrusion shape pattern or a pattern including a hydrophilic portion and a hydrophobic portion," as recited in independent claim 12. Still further, Pepper et al. does not disclose or suggest an ejection means "for disposing the object at a plurality of positions on the waveguide located at intervals such that the object and the electromagnetic wave propagating through the waveguide interact with each other," as recited in independent claims 11 and 13. Accordingly, Pepper et al. does not disclose or suggest any one of the features of object disposing means recited in independent claim 14.

The Office Action cites Nagel et al. disclosing a sensor comprising, inter alia, disposing means for disposing an object to be sensed at a plurality of positions. Specifically, the Office Action refers to the disclosure of dropping the sample 1 onto substrate 4 at paragraph 0081 of Nagel et al. (in U.S. Patent Application Pub. No. 2004/0058339) as a disposing means.

Applicant respectfully submits, however, that Nagel et al. does not disclose or suggest the object disposing means recited in independent claims 1 and 12. The disclosure in Nagel et al. of dropping the sample onto the substrate does not in and of itself anticipate or suggest an object disposing that is "periodically disposed at intervals of an order of a wavelength of the electromagnetic wave" to be used to sense the object, as recited independent claim 1, or an object disposing means that includes "a protrusion shape pattern or a pattern including a hydrophilic portion and a hydrophobic portion," as recited in independent claim 12.

Applicant further submits the disclosure of Nagel et al. dropping the sample onto the substrate does not anticipate or suggest the ejection means recited in the independent claims 11 and 13. That is, the mere "dropping" of the sample in Nagal et al. cannot be understood to equate to an ejecting means "for disposing the object at a plurality of positions on the waveguide located at intervals such that the object an the electromagnetic wave propagating through the waveguide interact with each other," as recited in independent claims 11 and 13.

Applicant still further submits that Nagel et al. does not disclose or suggest the object disposing means recited in independent claim 14, in view of the lacking disclosures of the reference with respect to the other independent claims discussed above.

For at least the foregoing reasons, Applicant submits that neither Pepper et al. nor Nagel et al. discloses or suggests the sensor recited in independent claims 1 and 11-14 of the present application.

The other claims are allowable by virtue of their dependency and in their own right by further defining the invention. Individual consideration of the dependent claims is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are allowable over the references of record, and that the application is in condition for allowance. Favorable reconsideration and early passage to issue of the application are earnestly solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in the Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to the below listed address.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg Jr.
Attorney for Applicant
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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